IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24116 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL SAJID MUSA - Petitioner(s)

Versus

UNION OF INDIA THR'REGIONAL PASSPORT OFFICER - Respondent(s)

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Appearance :

MR PK PAREKH for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR JITENDRA MALKAN for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 19/01/2006

ORAL JUDGMENT

1.It is the case of the petitioner that he is permanent resident of Halol, Distrit ; Bharuch and at present he is serving in U.K. at London since 3 to 4 years. It is also the case of the petitioner that initially a passport was issued by Regional Passport Office, Ahmedabad bearing No.AO759292 on 3.9.1996 and as the same was lost in London, after following the mandatory procedure, the petitioner applied for a fresh passport and the High Commission of India at London issued an Indian Passport bearing No.9242907 on 16.1.2002 which is valid up to 2.9.2006. It is also the case of the petitioner that the presently the petitioner has come to Bharuch (India) for his own marriage and recently he has come to know that there is discrepancy in the column of his birth

certificate in the passport. According to the petitioner, his date of birth as per the Birth Certificate issued by the competent authority is 5/5/1975, copy of which is placed at Annexure-C, instead of 1/6/1974 as mentioned in the Passport and hence he has preferred the present petition for correction of his birth date as per the Birth Certificate issued by the Competent Authority. However, learned advocate for the petitioner has submitted that without going into the larger question of jurisdiction, the petitioner is ready to make an application for issuance of a fresh passport with correct date of birth, along with all the relevant documents and in such event, the respondents may be directed to consider the same in accordance with law and on merits. He has also further submitted that the petitioner is ready and willing to surrender his passport issued by the High Commission of India at London.

2.The learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded in the passport. He further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

3.Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence that may be adduced or on production of original certificate/s issued by competent authority which may be adduced by the petitioner in support of his case to correct the date of birth **while issuing a fresh passport**, as mentioned above. The respondent shall take appropriate decision in accordance

with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible, for issuance of fresh passport with correction of date of birth as per the Birth Certificate issued by the Competent Authority.

4.As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs.5000/-is ordered to be paid by the petitioner to the respondent authority by way of costs.

5.In case of issuance of a fresh passport to the petitioner, the petitioner shall surrender the original passport issued by the High Commission of India at London to the respondent authority and thereafter only, the respondent authority

shall deliver the fresh passport in favour of the petitioner.

6.Accordingly, the petition is allowed to the aforesaid extent. Rule is made absolute to the above extent.

Direct Service is permitted.

(M.R.SHAH,J.)

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